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6 Attorneys for Defendant  
BIG LOTS STORES, INC.  
7

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12 Attorneys for Plaintiffs  
BRYAN DE SIMAS and LINDA JOHNSON  
13

14 UNITED STATES DISTRICT COURT  
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 Bryan de Simas and Linda Johnson,  
17 individually, and on behalf of all others  
similarly situated,

18 Plaintiffs,

19 vs.  
20 Big Lots Stores, Inc., an Ohio Corporation, and  
Does One through Twenty-Five, inclusive,

21 Defendant.

22 Case No. C 06 6614 SI

23 **JOINT STIPULATION AND  
[PROPOSED] ORDER OF DISMISSAL  
WITH PREJUDICE OF ENTIRE  
ACTION**

24 [FRCP 41(a)(1)(A)(ii)]

25 Complaint Filed: October 25, 2006  
Trial Date: None Set

26 TO THE HONORABLE COURT, AND TO ALL PARTIES AND COUNSEL:

27 WHEREAS, pursuant to FRCP 41(a)(1)(A)(ii), Plaintiffs Bryan de Simas and Linda  
Johnson and Defendant Big Lots Stores, Inc., by and through their counsel of record, hereby  
jointly stipulate and agree to the dismissal with prejudice of the entire action as to all parties and  
all causes of action and claims, with each party to bear his/her/its own respective fees and costs.

1 IT IS SO STIPULATED AND AGREED.

2 Date: May 14, 2008

JACKSON LEWIS LLP

3 By:   
4 CARY G. PALMER

5 Attorneys for Defendant  
6 BIG LOTS STORES, INC.  
7

8 Date: May 7, 2008

BAILEY, PINNEY PC

9 By:   
10 SUSAN SIMMONS SEEMILLER

11 Attorneys for Plaintiffs  
12 BRYAN DE SIMAS AND LINDA JOHNSON  
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14 **ORDER**

15 IT IS HEREBY ORDERED, pursuant to FRCP 41(a)(1)(A)(ii), that the entire action, as to  
16 all parties and all causes of action and claims therein, is dismissed with prejudice as of the date of  
17 this Order, with each party to bear his/her/its own respective fees and costs.

18 **IT IS SO ORDERED.**

19 Dated: \_\_\_\_\_  
20



21 UNITED STATES DISTRICT COURT JUDGE  
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